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NOMINATION OF MICHAEL NOVAK

SEPTEMBER 28 (legislative day, SEPTEMBER 26), 1983.—Ordered to be printed

Mr. PERCY, from the Committee on Foreign Relations, submitted the following

REPORT

together with

ADDITIONAL VIEWS

The Committee on Foreign Relations, to which was referred the nomination of Michael Novak, to be a Member of the Board for International Broadcasting for a term expiring April 28, 1985, having considered the same, reports favorably thereon and recommends that the nomination do pass.

BACKGROUND

Michael Novak is a resident scholar in religion, philosophy, and public policy at the American Enterprise Institute, and adjunct professor of religion at Syracuse University. He has also taught at Harvard, Stanford, and the State University of New York. Mr. Novak has been widely published. His most recent book is "The Spirit of Democratic Capitalism." He served as U.S. Representative to the Human Rights Commission of the United Nations during 1981 and 1982.

COMMITTEE ACTION

The nomination of Michael Novak to be a Member of the Board for International Broadcasting was originally submitted to the Senate by President Reagan on December 9, 1982, and referred to the Committee that same day. The Committee held a hearing on the nomination on July 26, 1983, chaired by Senator Pressler, chairman of the Subcommittee on Arms Control, Oceans, International Operations and Environment. Subsequently, on August 4, the Senate recessed for a period that exceeded 30 days, thus causing the nomination to expire and requiring the President to nominate Mr. Novak anew. The second nomination of Michael Novak to be a Member of the Board for International Broadcasting was submitted to the Senate on Septem-

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ber 9, 1983, and referred to the Committee on Foreign Relations on September 12, 1983.

At its business meeting on September 20, the Committee unanimously approved the nomination by voice vote with a quorum present and recommended that it be reported favorably to the Senate.

COMMITTEE COMMENTS

By statute, the Board for International Broadcasting consists of 10 members, 1 of whom shall be an ex officio member. Nine of the Board members require confirmation by the Senate and pursuant to the enabling legislation, "not more than five of the Board appointed by the President shall be of the same political party." Board members are expected to be selected by the President from among Americans distinguished in the fields of foreign policy or mass communications.

The Committee found Mr. Novak to be highly qualified to serve as a Member of the BIB. He is a distinguished scholar, widely-read author and served with great distinction as the U.S. Representative to the United Nations Commission on Human Rights.

During the course of the nomination hearing, Senator Pell questioned Mr. Novak with respect to his political affiliations. Mr. Novak testified he is a registered Democrat and that he has always thought of himself and conducted himself as a Democrat. He noted that he supported and worked for President Johnson, and supported Senators Eugene McCarthy, Robert Kennedy, George McGovern, and Henry Jackson in their Presidential campaigns. Mr. Novak did testify that he supported President Ford in 1976 and that he supported President Reagan's candidacy and did so for what he considered "very sober and serious reasons." Mr. Novak was asked by Senator Pell whether he anticipates supporting the Democratic Presidential nominee in 1984, and Mr. Novak responded that he hoped to do so.

In conclusion, his background and experience are of a kind and quality that should make his service with the BIB of great value to that organization.

ADDITIONAL VIEWS OF SENATOR CLAIBORNE PELL

The Board for International Broadcasting (BIB) is one of two Presidentially appointed Boards in the field of foreign affairs whose memberships is required by law to be bipartisan. The Congress enacted this statutory requirement because it believed the support of a broad spectrum of American opinion would most effectively enable Radio Free Europe and Radio Liberty (RFE/RL) to carry out its mission of providing the peoples of Eastern Europe and the Soviet Union with accurate, objective, and reliable information on events in their own country. This point was reiterated in the Conference Committee report on S. 1193, the Foreign Relations Authorization Act for fiscal year 1982 and fiscal year 1983 which stated in part "if it wishes to secure the bipartisan consensus of support for RFE/RL which has prevailed the past 8 years, the executive branch would also be well advised to assure that the new BIB is broadly representative of the entire domestic political spectrum."

Obviously, if the board is to be genuinely bipartisan, it is imperative that the minority party members be truly representative of their own party Mr. Novak's public positions, and in particular his positions on foreign policy issues, cast doubt on whether he can effectively represent the Democratic perspective on the BIB. Mr. Novak supported the Republican Presidential Candidates in 1976 and 1980, in the latter case in a very well publicized "Commonweal" article. Mr. Novak's position on many of the key foreign policy issues of our time is diametrically opposed to that of most Democrats. Mr. Novak, for example, has been one of the sharpest critics of the nuclear freeze, although the freeze has the support of 7 out of 8 Democrats on the Foreign Relations Committee and was endorsed by the Democratic Party at its Philadelphia Mid-term Convention. Mr. Novak has also had a major role, as the U.S. representative to the U.N. Human Rights Commission, in the development and articulation of Administration human rights policy—a policy about which many Democrats have reservations.

I do not want to suggest any single litmus test for eligibility to a Democratic slot on the Board for International Broadcasting. I do believe that Mr. Novak's foreign policy positions and his record are those of a political supporter of this Administration and are not representative of the Democratic perspective.

Unfortunately, Mr. Novak's appointment is not an isolated case. President Reagan has followed a similar pattern in naming political supporters to the Democratic slots on the U.S. Advisory Commission on Public Diplomacy, also by law required to be bipartisan. Such appointments circumvent the intent of Congress in mandating bipartisanship and can make it considerably more difficult to achieve a consensus for U.S. foreign policy objectives abroad. These appointments

also represent a sharp departure from the past practices of both Democratic and Republican Administrations, where the nominees for minority party positions were bona fide supporters of their party and its positions.

My concerns about Mr. Novak's appointment to a Democratic slot should not be construed as reflecting negatively on Mr. Novak's personal or professional qualifications. I have the highest regard for Mr. Novak and am an admirer of his writings. Indeed, I would enthusiastically support his nomination to a range of foreign policy positions in this Administration, including to one of the Administration's slots on the BIB. It was with great reluctance, however, that I supported Mr. Novak's nomination to this particular position.

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